

COMMENTS

Status of the Application

Receipt is acknowledged of a responsive amendment, which was dated 18 September 2009.

Status of the Claims

Claims 1-27 were pending. Applicants cancelled claim 4, introducing the subject matter therein into claim 1. In addition, applicants amended claim 2. Claims 6-9, 22-26 were withdrawn drawn to elected inventions without traverse.

Please note that all previous species elections are hereby withdrawn in view of the fact that that the art search was extended to all species and no prior art was found that anticipates or renders obvious the instant claims in accordance with MPEP § 803.02. In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Martha Cassidy on 1/15/2010 (see also attached interview summary)

The application has been amended as follows:

Please amend the last three lines of claim 1 as follows:

~~characterized in that wherein~~ the activation takes place by elimination of a photoactivatable protective group which is selected from the group consisting of triplet-sensitized photoactivatable groups, labeled photoactivatable groups and ~~triplet-sensitized and labeled photoactivatable groups both~~.

Please cancel claims 6-9, 22-26.

Allowable Subject Matter

Claims 1-3, 5, 10-21, 27 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER M. GROSS whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571 272 0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross
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/ Christopher S. F. Low /
Supervisory Patent Examiner, Art Unit 1639